



April 4, 2003

ENGROSSED HOUSE BILL No. 1047

DIGEST OF HB 1047 (Updated April 2, 2003 1:23 PM - DI 106)

Citations Affected: IC 33-4; IC 33-5; IC 33-10.5; IC 33-11.6.

Synopsis: Small claims court jurisdiction. Makes the small claims jurisdictional limit \$6,000 across the state.

Effective: July 1, 2003.

Ulmer, Grubb, Koch

(SENATE SPONSORS — LONG, HOWARD)

January 7, 2003, read first time and referred to Committee on Courts and Criminal Code.
February 3, 2003, reported — Do Pass. Recommitted to Committee on Ways and Means.
February 20, 2003, amended, reported — Do Pass.
February 25, 2003, read second time, ordered engrossed. Engrossed.
February 26, 2003, read third time, passed. Yeas 89, nays 8.

SENATE ACTION

March 4, 2003, read first time and referred to Committee on Judiciary.
April 3, 2003, amended, reported favorably — Do Pass.

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EH 1047—LS 6020/DI 69+



April 4, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1047

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-4-3-7, AS AMENDED BY P.L.2-2002,
2 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 7. The small claims docket has jurisdiction over
4 the following:

5 (1) Civil actions in which the amount sought or value of the
6 property sought to be recovered is not more than ~~three six~~
7 thousand dollars ~~(\$3,000)~~ **(\$6,000)**. The plaintiff in a statement of
8 claim or the defendant in a counterclaim may waive the excess of
9 any claim that exceeds ~~three six~~ thousand dollars ~~(\$3,000)~~
10 **(\$6,000)** in order to bring it within the jurisdiction of the small
11 claims docket.

12 (2) Possessory actions between landlord and tenant in which the
13 rent due at the time the action is filed does not exceed ~~three six~~
14 thousand dollars ~~(\$3,000)~~ **(\$6,000)**.

15 (3) Emergency possessory actions between a landlord and tenant
16 under IC 32-31-6.

17 SECTION 2. IC 33-5-2-4, AS AMENDED BY P.L.2-2002,

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SECTION 85, IS AMENDED TO READ AS FOLLOWS:[EFFECTIVE JULY 1, 2003]: Sec. 4. (a) Except as provided in subsection (b), The small claims docket has jurisdiction over the following:

(1) Civil actions in which the amount sought or value of the property sought to be recovered is not more than ~~three six~~ thousand dollars (~~\$3,000~~) **(\$6,000)**. The plaintiff in a statement of claim or the defendant in a counterclaim may waive the excess of any claim that exceeds ~~three thousand dollars (\$3,000)~~ **six thousand dollars (\$6,000)** in order to bring it within the jurisdiction of the small claims docket.

(2) Possessory actions between landlord and tenant in which the rent due at the time the action is filed does not exceed ~~three six~~ thousand dollars (~~\$3,000~~) **(\$6,000)**.

(3) Emergency possessory actions between a landlord and tenant under IC 32-31-6.

(b) This subsection applies to a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000). The small claims docket has jurisdiction over the following:

(1) Civil actions in which the amount sought or value of the property sought to be recovered is not more than six thousand dollars (~~\$6,000~~). The plaintiff in a statement of claim or the defendant in a counterclaim may waive the excess of any claim that exceeds six thousand dollars (~~\$6,000~~) in order to bring it within the jurisdiction of the small claims docket.

(2) Possessory actions between landlord and tenant in which the rent due at the time the action is filed does not exceed six thousand dollars (~~\$6,000~~).

(3) Emergency possessory actions between a landlord and tenant under IC 32-31-6.

SECTION 3. IC 33-10.5-7-1, AS AMENDED BY P.L.2-2002, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. Each judge of the county court shall maintain the following dockets:

(1) An offenses and violations docket.

(2) A small claims docket for the following:

(A) All cases where the amount sought or value of the property sought to be recovered is ~~three six~~ thousand dollars (~~\$3,000~~) **(\$6,000)** or less. The plaintiff in a statement of claim or the defendant in a counterclaim may waive the excess of his claim over ~~three six~~ thousand dollars (~~\$3,000~~) **(\$6,000)** to bring it within the jurisdiction of the small claims docket.



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(B) All possessory actions between landlord and tenant in which the rent due at the time the action is filed does not exceed ~~three~~ **six** thousand dollars (~~\$3,000~~) (**\$6,000**).

(C) Emergency possessory actions between a landlord and tenant under IC 32-31-4.

(3) A plenary docket for all other civil cases.

SECTION 4. IC 33-11.6-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. The court shall have original and concurrent jurisdiction with the circuit and superior courts in all civil cases founded on contract or tort in which the debt or damage claimed does not exceed six thousand dollars (\$6,000), not including interest or ~~attorney~~ **attorney's** fees.

SECTION 5. IC 33-11.6-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. The court shall have original and concurrent jurisdiction with the circuit and superior courts in possessory actions between landlord and tenant in which the past due rent at the time of filing does not exceed six thousand dollars (\$6,000). The court shall also have original and concurrent jurisdiction with the circuit and superior courts in actions for the possession of property where the value of the property sought to be recovered does not exceed six thousand dollars (\$6,000). These jurisdictional limitations shall not be affected by interest and ~~attorney~~ **attorney's** fees.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1047, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

WEINZAPFEL, Chair

Committee Vote: yeas 14, nays 0.

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EH 1047—LS 6020/DI 69+



COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1047, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 6, after "than" insert ":".

Page 1, line 6, after "three" begin a new line double block indented and insert:

"(A) ten".

Page 1, line 6, reset in roman "thousand".

Page 1, line 7, before "(\$3,000)" reset in roman "dollars".

Page 1, line 7, delete "ten thousand dollars".

Page 1, line 7, delete "." and insert **"in:**

(i) a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000); or

(ii) a county containing a consolidated city; or

(B) six thousand dollars (\$6,000) in a county other than a county described in clause (A)."

Page 1, line 7, beginning with "The" begin a new line block indented.

Page 1, line 10, delete "ten thousand dollars (\$10,000)" and insert **"the amount applicable to the court under clause (A) or (B)".**

Page 1, line 13, after "three" insert **"six".**

Page 1, line 14, reset in roman "thousand dollars".

Page 1, line 14, delete "ten thousand dollars (\$10,000)." and insert **"(\$6,000)."**

Page 2, line 26, reset in roman "six thousand dollars".

Page 2, line 27, reset in roman "(\$6,000)."

Page 2, line 27, delete "ten thousand dollars (\$10,000)."

Page 2, line 29, after "in" insert **"other".**

and when so amended that said bill do pass.

(Reference is to HB 1047 as printed February 4, 2003.)

CRAWFORD, Chair

Committee Vote: yeas 25, nays 0.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred House Bill No. 1047, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 33-4-3-7, AS AMENDED BY P.L.2-2002, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. The small claims docket has jurisdiction over the following:

- (1) Civil actions in which the amount sought or value of the property sought to be recovered is not more than ~~three six~~ thousand dollars ~~(\$3,000)~~ **(\$6,000)**. The plaintiff in a statement of claim or the defendant in a counterclaim may waive the excess of any claim that exceeds ~~three six~~ thousand dollars ~~(\$3,000)~~ **(\$6,000)** in order to bring it within the jurisdiction of the small claims docket.
- (2) Possessory actions between landlord and tenant in which the rent due at the time the action is filed does not exceed ~~three six~~ thousand dollars ~~(\$3,000)~~ **(\$6,000)**.
- (3) Emergency possessory actions between a landlord and tenant under IC 32-31-6."

Page 1, line 6, delete ":".

Page 1, line 7, delete "(A) ten" and insert "**six**".

Page 1, line 7, delete "(\$10,000) in:" and insert "**(\$6,000)**".

Page 1, run in lines 6 through 7.

Page 1, delete lines 8 through 13.

Page 1, line 16, delete "the amount applicable to the" and insert "**six thousand dollars (\$6,000)**".

Page 1, line 17, delete "court under clause (A) or (B)".

Page 2, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 3. IC 33-10.5-7-1, AS AMENDED BY P.L.2-2002, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. Each judge of the county court shall maintain the following dockets:

- (1) An offenses and violations docket.
- (2) A small claims docket for the following:
 - (A) All cases where the amount sought or value of the property sought to be recovered is ~~three six~~ thousand dollars ~~(\$3,000)~~ **(\$6,000)** or less. The plaintiff in a statement of claim or the

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defendant in a counterclaim may waive the excess of his claim over ~~three six~~ thousand dollars ~~(\$3,000)~~ **(\$6,000)** to bring it within the jurisdiction of the small claims docket.

(B) All possessory actions between landlord and tenant in which the rent due at the time the action is filed does not exceed ~~three six~~ thousand dollars ~~(\$3,000)~~ **(\$6,000)**.

(C) Emergency possessory actions between a landlord and tenant under IC 32-31-4.

(3) A plenary docket for all other civil cases."

Page 2, line 26, reset in roman "six thousand dollars (\$6,000),".

Page 2, line 26, delete "ten".

Page 2, line 27, delete "thousand dollars (\$10,000),".

Page 2, line 35, delete "other".

Page 2, line 37, reset in roman "six thousand dollars (\$6,000).".

Page 2, line 37, delete "ten thousand dollars".

Page 2, line 38, delete "(\$10,000).".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1047 as printed February 21, 2003.)

BRAY, Chairperson

Committee Vote: Yeas 9, Nays 0.

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